

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RICHARD W. WEYEND

V.

THE HUBMAN FOUNDATION, ET AL.

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CASE NO. 4:06CV343

**MEMORANDUM ADOPTING MODIFIED REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the modified report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 14, 2007, the Magistrate Judge entered an order modifying the proposed findings of fact and recommendations contained in his June 28, 2007 report and recommendations (*See* Dkt. 47). In the modified report, the Magistrate Judge found that there is a sufficient basis for the Chapman Group II LLC's intervention under Rule 24 of the Federal Rules of Civil Procedure and modified its original report and recommendations accordingly. The Magistrate Judge subsequently recommended that the Chapman Group II LLC's motion for intervention (Dkt. 37) be GRANTED and that the Chapman Group II, LLC be permitted to intervene in this suit. The Magistrate Judge also found that this ruling rendered the Chapman Group II, LLC's motion for reconsideration (Dkt. 45) MOOT.

Having received the modified report of the United States Magistrate Judge, and no objections to the modified report having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge, as modified by his November 14, 2007 order, are correct and

adopts the modified Magistrate Judge's report as the findings and conclusions of the Court. Therefore, the Chapman Group II LLC's motion for intervention (Dkt. 37) is GRANTED, and the Chapman Group II, LLC is permitted to intervene in this suit. Further, the Chapman Group II, LLC's motion for reconsideration (Dkt. 45) is denied as MOOT.

IT IS SO ORDERED.

SIGNED this 5th day of December, 2007.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE